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ACTING EDITOR: Dr. Gerhard Wettig, c/o Federal Institute for East European and International Studies, Lindenbornstr. 22, D-50823 Köln, Telephone: (0221) 5 74 71 29, Fax: (0221) 5 74 71 10.
ENGLISH LANGUAGE EDITOR: Anthony Bushell, School of Modern Languages, Bangor

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Paul Conlon

The UN's Questionable Sanctions Practices

The efforts to create international security have often included economic and similar sanctions as an instrument of coping with aggression and violence. The war in Bosnia, however, has made observers doubt the usefulness of this method. In the following contribution, Paul Conlon, Munich, seeks to answer the questions which arise in the light of the experience he has had from 1989 to 1995 when he was a political affairs officer in the Security Council Department of the United Nations Secretariat and, during the most recent years, served as Deputy Secretary of the Security Council Committee established by resolution 661 (1990) which supervised the sanctions against Iraq. The author — who is currently writing a study on the activities of this Committee — emphasizes that he expresses exclusively his personal opinions.

Since 1990 the Security Council of the United Nations (UN) has seven times applied the weapon of "sanctions"; in the previous 45 years this measure had only been employed twice. In all such cases the Council created a special committee to administer, monitor or otherwise take care of the sanctions measures applied.

Previous assessments (predominantly negative) of central UN sanctions have assigned decisive importance to the "political will" of the member States in general, or to the crucial role of certain key States, normally neighbours of the one sanctioned. The present article is primarily concerned with the role of these central steering bodies in the success or failure of sanctions regimes. It will additionally query to what extent, after fifty years of existence and the advantage of experience from nine sanctions regimes, this organisation possesses any strategic plan, legal structure, personnel or organisational prerequisites or adequate work procedures for sanctions.

The scenario orginially envisioned by article 41 of the UN Charter assumed that economic sanctions would quickly work. The sanctions concept was modified over the years, most particularly due to experiences with sanctions outside the UN. In these latter cases it was generally more a question of long-term economic warfare stategies such as, for example, the American blockade of Cuba or the regime of the Coordinating Committee on Multilateral Export Controls (COCOM).

Confusion with preventive measures was added as well. In this sense arms embargoes are more to be seen as preventive measures, but the distinction is rarely all that clear, as

the frequent use of oil embargoes shows. Prohibiting supplies of crude oil is an economic sanction as well as a preventive measure. In sanctions regimes the two types of measures are confounded and polluted with other diplomatic motives. "The sanctions" are often packages of different measures which are not necessarily logically related. Questions about the meaning and effectiveness of sanctions measures have to be nuanced to these considerations.

At present two different economic sanctions measures put pressure on Iraq and its population which are both indiscriminately referred to as "sanctions." They consist of two embargoes which must be kept separate analytically. Embargo I prohibits Iraq from exporting oil, Embargo II bans the import of most goods and makes import of the few permissible goods more difficult by subjecting them to the approval of the Iraq Sanctions Committee. Embargo I requires no administration, no special monitoring and is relatively effective. The United Nations is not even involved. Measure II is more difficult and less effective. With sufficient finances the Iraqi leadership can neutralise it to some extent. Consequently Iraq has primarily been demanding the lifting of Embargo I.

Sanctions Regime Basics

A sanctions regime is set up with a resolution of the Security Council which must be based on Chapter VII of the Charter. The text is normally generated in the foreign ministries of the sponsors. Although originally drafted by lawyers, the resolution drafts are then later negotiated by conference diplomats. The latter are not lawyers and accustomed by their usual professional activities to ironing out the texts of communiques, final declarations, but also of the purely recommendatory resolutions of the General Assembly or the Economic and Social Council. In contrast to such exercises in creative compromise editing, they, in the Security Council, are acting as authors of a legal instrument. Unfortunately they are hardly aware of any such role. Sanctions regimes invariably last longer than expected and ultimately raise all sorts of unforeseen complications. This by itself builds barriers to success into the sanctions.

On what stock of experience can Council members fall back when weighing their options? The central Secretariat possess a certain, albeit limited, institutional memory in sanctions matters. It would be available to the members, but is hardly ever used. In most cases the Secretariat is only brought into the picture after a finalised text has been produced. At most the legal department is consulted, and even then only in matters of detail. Resolutions occasionally repeat phrasing which had to be changed in previous sanctions regimes.

Scholarly literature addresses more the question of the initial prerequisites rather than of the consequences of sanctions decisions and thus has little to offer in this context. The Security Council is considered a political body that is to base its decisions on political rather than legal considerations. But for successful implementation of economic sanctions law is a *sine qua non*. The sanctions effort is ambitious: an entire national economy has to

be sealed off and kept under control by over 200 sovereign actors. Even with the utmost in political will this cannot be done without law.

In future even more than in the past, the Council will be under pressure to build humanitarian mitigation measures into sanctions regimes. But experiences to date have shown that such exemptions provisions do little to alleviate want among civilian populations in the target States and make sanctions enforcement more difficult, occasionally even impossible.

The resolutions establish committees and invest them with certain functions connected with administration and monitoring of the sanctions imposed: a general but vague monitoring of implementation on the part of member States, some responsibility for prosecuting violations as well as decisional and judgmental competence in reference to humanitarian provisions. Important aspects of sanctions control remain outside the competence of the committees. And, while other arrangements could be imagined, committees are set up for each specific sanctions regime. This works against development of coherent generic practices in sanctions management, for members' attitudes to sanctions depend to a considerable extent on their attitude to the target State in question. In the Iraq Sanctions Committee, for example, Non-Aligned members, often countries with Moslem populations, favour a more liberal application of sanctions; in the Yugoslavia Sanctions Committee the same members demand a tougher line on Serbia. There is no unitary body in which coherent practices could be generated.

Committees adopt almost instinctively and unquestioningly two basic rules of order: consensus decision making and secrecy. Secrecy derives from a simple procedural rule according to which a committee is to meet in closed session unless the members decide otherwise. In this form the rule is neither unusual nor inadvisable. But far-reaching conclusions have been derived from it, for not only are the proceedings kept secret behind closed doors, but so for that matter are the rules of procedure, the agendas, the decisions, the backgrounds and the motivations as well.

The consensus principle has its consequences as well. The resolutions' sponsors aim at a construction of the committees' responsibilities which will ensure them the upper-hand there as well. In the mean time, however, even the dominant members are no longer able to generate such flawlessly though-out resolutions as would prevent the other side from learning, with the passage of time, how to turn the consensus principle to their own advantage. For sanctions regimes in recent years this has entailed the following situation: exemption trade is regulated by default procedures and the "hawks" can always use their veto in the committees against any shipments that they do not want, on the other side of the coin, the "doves" can just as easily frustrate any attempts at reinforced control or at preventing sanctions violations.

The most crucial area where this complication has had its effects has been in setting priorities for the work of the committees. Most sanctions resolutions invest the committees with two mandates which do not particularly fit into each other in a logical

manner: rigorous enforcement of the sanctions measures (e.g. vigilance against uncooperative States, detection and prosecution of sanctions violations) as well as humanitarian mitigation of their harshness (e.g. by humanitarian trade in indispensable civilian consumer products). How these two mandates are to be traded off, which is to be prioritised in which cases and how the inevitable collisions between them are to be resolved, all this must be decided politically by the committee.

The consistently mandated approach of a one-off assessment of initial member State measures and the subsequent police-like vigilance about violations thereof, combined with the absence of any further central control functions suggests that the Security Council hopes to achieve successful implementation of economic sanctions through these activities alone. It attests to some degree of naivety that such simple and superficial measures can be considered adequate for the success of an economic sanctions regime. This is not surprising when one realises that strategic preparatory studies have not been carried out under the aegis of the Security Council, nor have terminated sanctions regimes ever been subjected to a critical evaluation by the Council. Official publications on this subject, to the extent that they even exist, come either from the UN General Assembly[1] or from the League of Nations.

To the extent that member States report their implementary measures at all, the Council or the committees merely publish them as official documents. Many States do not even fulfil this obligation; the contents of the reports is often inadequate. Instead of precise descriptions of measures taken the reports often contain nothing more than statements supporting the general aims of the sanctions resolutions. International law experts therefore proffer the view that most member States have not complied with the simplest mandates of sanctions resolutions[2].

This fact would become obvious if the committees were ever to undertake a critical assessment of the responses. Failure to do so is all the more surprising when one considers that in the many control bodies within the Economic and Social Council such responses are not only critically discussed, but occasionally lead to heated debates, despite the fact that these bodies take care of ordinary convention-treaty obligations, while the Security Council's committees are charged with monitoring treaty obligations under Chapter VII. An inhibiting factor here, as ofttimes elsewhere as well, is that most member States are not governed by law and are anxious to ward off any accountability obligations to a UN body. In their efforts to dilute such obligations as much as possible they can count on the sympathies of many Secretariat officials.

As the cliche goes: "Implementation of measures is the responsibility of governments." But this concise formulation of an immensely complex state of affairs goes further in glancing over the issue of central coordination of implementation. And this although the Charter in article 49 expressly stipulates members' obligations to mutual assistance in the enforcement of measures decided upon by the Security Council. This same article would

1 Most recently (1952) in UN Doc. A/2215, 'Report of the Collective Measures Committee.
2 Vide Martti Koskenniemi, Kansainväliset pakotteet ja Suomi, Helsinki, 1994.

also support the committees' competence in coordination. The coordination mandates contained in resolutions implicitly assume such coordination functions for the committees, but it remains undeveloped, inter alia because it is not explicitly formulated. In addition it also goes against States' inherent tendencies to ward off control pretensions of, or accountability obligations to, UN bodies.

The Institutional Prerequisites

The narrower prerequisites for effective guidance and administration of economic sanctions efforts are often not suited to counterbalance the legal and political shortcomings outlined above. The work of the committees takes place in interaction between the delegates of the 15 Council members and the central secretariat unit for servicing the committees. The delegates are (nowadays) often subordinate diplomats. The personnel resources allocated to this activity by the members is in any case insufficient. Smaller missions make do with a single official, the larger ones with 2-3 officials, for monitoring about 25-30 thousand items of correspondence and for taking part in about 40 meetings annually. One member (Rwanda) takes practically no part in the work due to lack of personnel and other resources, others sometimes fail to show up for meetings and one member occasionally lets an intern represent it. Behind these representatives there are desk officers in the home ministries, but in most cases, again, they would not be more than 1-2 full time officials.

The staff of the relevant secretariat unit currently consists of nine officials, mostly tenured officials or former diplomats, almost completely from non-Western countries and largely without any specifically relevant professional competence. Correspondence submitted and passed on to the delegates is, in the narrower sense, not processed, even less scrutinised, by the Secretariat. The Yugoslavia Committee has at its disposal a computerised LAN-system (the donation of a member), but the Iraq Committee, with an annual turnover of 5 billion dollars in trade clearances, copes with its work with handwritten ledgers.

It goes without saying that no real statistics can be kept and that, consequently, Secretariat officials have no adequate overview of this activity. The Secretariat's top management has no high opinion of sanctions management and regards the staff of this unit as pure conference servicing personnel.

Under these conditions, professional expertise in sanctions management or in the many technical questions, which constantly reoccur in connexion with sanctions measures, are completely out of the question. The penchant for secrecy makes the effective collaboration of other departments more difficult. Closer working relations exist only with the legal department. Even if one cannot expect any great experts in customs and trade questions, flight routing, foodstuff chemistry, arms control or humanitarian assistance among nine traditional UN functionaries, there would still be many sources of free and confidentially available expertise in these areas, if the compulsion to secrecy did not interpose so many

obstacles. Secrecy has actually instead led to alienation between the sanctions committees and the humanitarian parts of the Secretariat and the broader UN system.

Secretariat personnel consist predominantly of employees of non-Western origin with backgrounds in development or humanitarian work. As could be expected they are not particularly open to the concerns of the Security Council's permanent Western members. Their tendencies and loyalties are more likely to prevent development of sanctions practices. Things are only made worse by the tendency of the UN system to think exclusively in terms of States and to conceive of relations to the member States in terms of bilateral diplomacy and, to boot, to conduct all communications via foreign ministries. For example, the flight control provisions contained in sanctions regimes are easily disregarded. Modern international flight control is hardly administered by "national authorities" in the older sense of the word, one cannot effectively deal with this sector via embassies and foreign ministries. But the secretariat of the committees cannot, for legal reasons as well as on account of its general corporate culture, maintain any direct operational contacts with flight control authorities.

Economic Sanctions and Trade

One of the most significant gaps in the Security Council's strategic coceptarises because economic sanctions regimes are not conceived of as trade control regimes like, for instance, COCOM or the many arms limitation agreements. The committees in their monitoring and administration of the relevant sanctions measures reject the role of a trade control body and are wont to demand general information from the members on their trade relations with the target States.

The trade model on which this poorly thought-out concept is based is for one thing static, and for another thing purely bilateral. The concept envisions a massive and rapid blockage of previous commercial relations of a target State which has been engaged in normal trade. The logical counter-strategy of the target State, to develop alternative trade channels and practices to circumvent sanctions, is missing from this scenario. Many target States were, simply for other reasons, quite well versed in this art. And even the simplest counter-counter-measures are for structural reasons out of the question for the Security Council. Sanctions busting (the technical term is: "unconventional trade") is, technically speaking, a form of white-collar crime. It includes many of the most typical characteristics of this phenomenon and could at least be contained by normal customs and economic crime-fighting measures. But the UN Secretariat does not have any such expertise and explicitly rejects such a function. After all, the Council's members represent sovereign States who are hardly interested in seeing a "sanctions Interpol" set up.

The more successful auxiliary bodies for conceptualising and monitoring UN sanctions, e.g. the Special Commission to disarm Iraq (UNSCOM) or the Sanctions Assistance Missions Communications Centre (SAMCOMM) in Brussels, very much see themselves as professional trade control bodies and they make use of customs police

expertise and methods. But they are limited in their mandates and, in any case, legally subordinate to the Security Council and its committees. The latter enjoys a monopoly position and is the only source of legitimation for such measures. But the Council and its subsidiary organs can neither exercise the necessary functions nor delegate them in a meaningful manner.

Target State counter-strategy is even more successful because it can make use of the humanitarian trade waiver provisions which the resolutions provide and which the committees have extended even further. The prioritisation of humanitarian waivers at the expense of sanctions monitoring makes it all the easier for them to do so. In this sense the committees, whose actions lack any clear conceptual framework, even provide sanctions evaders new tools to work with.

The trade model is also inadequate in that it only takes the simplest bilateral trade into consideration and cannot cope with the complexities of trade conducted via a plurality of jurisdictions. In order to monitor the permitted trade between member States and the target State, the committees would not only have to coordinate the general strategy of the international community's sanctions regime, but would also have to develop and apply practices whereby individual trans-country transactions could be tracked.

The following example can serve as an illustration: A sugar broker in London, arranging for a sugar delivery to Iraq, submits an application for notification to his relevant national authority which forwards it to the Sanctions Committee. After a formal check by the Secretariat, the Committee Chairman issues a letter in which this is confirmed as having been "duly notified to the Committee." This establishes a legal relationship between the Security Council, represented by the Committee, and the British Government, something which presumably entails an assumption of responsibility for the transaction by that State. But what does this State have to do with this transaction? Upon receipt of the clearance letter the London broker assigns his rights in the deal to a trading company in the Azores, who in turn contracts with a Brazilian exporter for fulfilment, arranges payment via a letter of credit running on the Geneva branch of an Arab bank and commissions a shipping company in Santander with shipment to Aqaba. In Aqaba the sugar is cleared by Jordanian customs as transit goods and hauled overland to the Iraqi border. Six countries have been involved in this transaction (Great Britain, Portugal, Spain, Brazil, Switzerland and Jordan). But the administrative practice of the committee only takes the relationship to one of these countries into account, to boot, to that country which is least involved in the transaction. With such practices the committee is not even in a position to control a single commercial transaction of this kind, even less to monitor the target State's entire trade.

More than anything else, separating responsibility for the core transaction from responsibility for the ancillary financial transaction abets the target State in its sanctions evasion. But if the system employed by the committee cannot cope with the complexity of modern international trade, it is even less of an obstacle to the manipulations of

sanctions evaders, since the latter deliberately complicate their trade practices in order to make transparency more difficult and shift the crucial elements of transactions into the more "convenient" jurisdictions.

Humanitarian Waiver Clearances

One activity of most of the sanctions committees requires more detailed description. Economic sanctions are now unthinkable without mitigating humanitarian waiver provisions. These waivers as well must be administered by the sanctions committees or are dependent upon their discretionary agreement. This refers primarily to medicines, foodstuffs and variously defined goods which are used to satisfy basic life processes, religious worship, etc. This activity takes up some 90 to 95 per cent of the total correspondence of the larger committees, resembles the activities of permit-granting regulatory authorities constituted as "boards" in democratic States and is not without elements of legal administration as well. It can unhesitatingly be qualified as the exercise of sovereign authority, because without it the commercial transactions in question would not be legal in the terms of the sanctions resolutions.

Such an activity is rarely found in representative bodies in international organisations, most of which concern themselves with non-binding recommendations. Besides sanctions committees, it only occurs in other special bodies established by the Security Council and in certain very limited matters handled by international atomic energy and civil aviation authorities. It has little to do with conference diplomacy in the usual sense, but is actually treated precisely as such by the UN Secretariat's management. But even Council member delegates did not clearly recognize the peculiarity of this activity and only very gradually did they provide it with a modicum of professionalism by routinising work procedures as they went along.

There is no doctrine available for this activity. Practices have developed exclusively within the confines of sanctions committees operating in secret and without any meaningful overview of their own activities. The decision makers are not lawyers. The basic concepts have been indiscriminately lifted from the Geneva Convention system, but in an incoherent and unsystematic manner. Different sanctions committees develop their practices independently of each other.

The decision making procedures which have evolved for this activity are not adequate in view of the volume and complexity of the cases nor would they satisfy the basic requirements which Western States governed by law would wish to impose on international procedural law. There is no professional processing of applications. The Secretariat sorts and classifies the incoming applications according to crude categories, does not examine them beyond this and conveys no recommendations for action to the decision makers. From a formal legal point of view the submitting State is supposed to be assuming responsibility for accuracy and veracity. But in such matters even member States governed by law are overburdened and demotivated. The majority of the member

States are little concerned about plausibility, particularly since the entire procedure is secret.

The "no-objection" procedure employed here means that the applications can be blocked by a single objection, but it also means that they can be approved through passive non-action by the members. Most sanctions committee members do not want to register any objections for reasons stemming from their own interests. In 1994 in the Iraq Committee twelve (in the Yugoslavia Committee ten) of the fifteen members did not register a single objection to such applications. Much suggests that many of these application documents are presumably never even read.

In 1994 the Iraq Sanctions Committee processed over 6,000 of such applications and cleared an aggregate humanitarian waiver trade volume of 5.2 billion US dollars. The Yugoslavia Committee processed 20,000 applications and is estimated to have cleared a total value of 30 billion US dollars. Committees collect no data on clearance fulfilment. For years it has been known that the *de facto* fulfilment rate was very low. For Iraq in the period 1993-1994 two experts independent of each other estimated it at 10 per cent of clearance value. For Yugoslavia a recent study by SAMCOMM put the figure at 2 per cent (by weight). In both sanctions regimes the same phenomenon is observed, which even appeared to some extent in the case of Haiti. Many clearances are never utilised, others are utilised only for smaller partial volumes. As such this need not surprise anyone, since there is no financing for clearances in such volumes, or the extent of the clearances is such that the target State could not make any meaningful use of them.

In a period of 17 months the Yugoslavia Committee approved a sufficiently large number of shoes to have provided the entire population, including babies, with eleven new pairs of shoes. What is at issue is not just the quality of decision making for the global clearance flow, there are just as many individual decisions of questionable quality. Thus there have been sugar notifications for Iraq which would have, in a given time period, delivered twice as much sugar as the country could possibly consume. They were not contested by the members but thwarted by the Secretariat through inofficial means. A further example would be the clearance of five tonnes of patchouli leaves for Iraq as foodstuffs.

Applications with manipulative or implausible contents occur frequently. The commercial clientele of the sanctions committees operates in the grey zone. The magnitudes involved would raise suspicions with national government authorities. But such applications are only in the rarest instances queried by the Secretariat or blocked by the members. For several months now a SAMCOMM official has been working with the Yugoslavia Committee as an advisor in order to detect suspicious applications. But he is an advisor without any authority.

Frivolous committee practices in this area fulfil no meaningful humanitarian purpose. The civilian population in the target States suffers acute shortages, ironically enough precisely for those goods which are being cranked through the committees' clearance

churns in such dizzy volumes. The decision making procedures described above fail to satisfy even the most elementary diligence requirements.

Other Tasks

While the committees' tasks in the area of humanitarian waiver clearance have led to grotesque excesses, tasks under the heading of prosecution of violations have been neglected. Sanctions committees only concern themselves sporadically and by way of exception with the issue of compliance with the relevant provisions of the resolutions. The Yugoslavia Committee has been more active in this than the Iraq Committee; violations of arms embargo provisions are taken much more seriously than violations of economic sanctions.

The whole idea behind the creation of a subsidiary committee body operating in secret is that this body should have a greater discretionary margin for establishing priorities and procedures. This margin is supposed to allow for enhanced efficiency in tackling tasks but not for completely re-determining them.

There is a practical dilemma present in this. Many violations of economic sanctions are marginal in their consequences. Nit-picking in pursuit of such violations could just as easily be seen as a dysfunctional waste of resources. On the other hand it goes against the grain of Western legal values when the committees over a lengthy period of time pass over in complete silence deviations from the requirements of sanctions provisions which have become common knowledge. It is a matter of even graver doubt where, as in the case of Jordan, a committee persistently takes note of commercial transactions, which according to the relevant resolutions are not supposed to be occurring at all, and thus legalises, as it were, sanctions violations. A somewhat more charitable judgement would fall on the instances where the committees have simply ignored indications of commercial transactions not in accordance with the resolutions. For years the UN's world trade database Comtrade has contained data on illicit transactions with Iraq.The relevant committee has at no time taken the trouble to clarify these trade flows.

Certainly the most noxious thing are the horrendous volumes of trade clearance documents with which the committees flood the market. By doing so they eliminate any overview of the target States' trade relations while simultaneously putting major sanctions evasions tools in the hands of the target States themselves. Here the committees make themselves unwitting accomplices to sanctions violations and impede the work of professionally run national customs authorities and multilateral sanctions control bodies.

Insistence on secrecy has done more than anything else to de-professionalise the work of the committees and to generate a plethora of practical problems. Recently the Council has attempted, by making minor procedural changes[3] to defuse the dissatisfaction of the members. These concessions are minimal and do not effect the central legal problem,

3 In a statement by the President of the Security Council of 29 March 1995, UN doc. S/1995/234.

which is that keeping decisions secret vitiates their legally binding effect. The committees exercise both quasi-judicial interpretation functions as well as sovereign authority (as pointed out above). The former activity makes no sense without publishing decisions. Approval decisions of the latter kind are, in States governed by law, published in a prescribed standardised form. A further, and much graver complication arises from the fact that sanctions committees concern themselves to a grotesque extent with commercial decisions, to which the members entitled to participate in decision making can themselves be party and thus become involved in ethical conflicts of interest. In 1993 the Iraq committee cleared a fourth of the entire humanitarian waiver trade with its own members. There is no procedural law regulation of recusance.

The resolutions are anything but self-explanatory and, in fact, require much authoritative interpretation. The committees originally acquitted themselves of this function in a more satisfactory manner. As fora for airing immediate practical problems they performed a meaningful function. Expert observers recognized their useful services in this regard, but frequently stressed the necessity of clarifying their legal parameters. In particular, it was pointed out that the committees were here acting as judicial bodies, without having been formally constituted as such. With the passage of time, the committees were less and less in a position to perform this function. The embargo on Libya, poorly thought-out in its legal aspects and political ill-accepted, began to generate legal complications to an extent hardly ever imagined. Member State dissatisfaction about unclarified problems in the older sanctions regimes increasingly presented the committees with issues which could no longer be settled in the framework of consensus decision making. Even where solutions were possible, they were slow in coming.

Conclusion

The current sanctions decision-making and administrative activities of the Security Council and its committees completely lack the most elementary prerequisites. There is no strategic concept and no clarity as to the legal relationships between major actors, neither are there any adequate doctrine, procedural law regulations, in-house professional staff or a network for collaboration with external experts. Council members lack the political will to erect a trade control regime around the target State and to enforce it, or to work for a professionalisation of their own work procedures. Finally, the Security Council is not in a position to work towards reforming its own shortcomings or to conduct a meaningful dialogue with the other member States about these problems.

World public opinion is now meanwhile full of scepticism about economic sanctions: They are seen as ineffective and too burdensome for civilian populations. In addition they create extensive problems for third States. Even the UN Secretary-General has turned against sanctions and proposed[4] setting up a counter-weight to the sanctions committees.

4 In Supplement to an Agenda for Peace, UN doc. S/1995/1.

Expert commissions[5] advocate targeted measures, in particular in order to protect the more vulnerable parts of the population in the target States.

Precisely democratic States ruled by law have strong grounds for pressing for an improvement in international sanctions regimes. They are not only obliged to take the measures seriously and implement them on the basis of their treaty obligations, but as a result of their internal constitutional structures as well. They cannot simply refuse implementation or deliberately implement in an ineffective manner. They are thus placed in a disadvantaged position vis-à-vis the international community's less conscientious members[6]. It would therefore behove them to demand controlling structures which place all States under the same obligations.

One option for the international community would be to only impose such economic sanctions as practically implement themselves and require no specific administration, as, for instance, the oil export ban on Iraq. In such sanctions regimes the Security Council can function as a source of legitimacy and not stand in the way of successful enforcement. But opportunities for such "prêt-à-porter" sanctions will be limited. On the other hand, the option of "targeted measures" is not very credible. Such sanctions regimes would be much more complicated than the currently employed "blunt instrument" which UN bodies administer so negligently and inefficiently. They would require more complicated administration and improved inter-governmental coordination.

Public opinion in the democratic States ruled by law still leans to the view that sanctions are a useful weapon and should be reformed rather than abolished. European States have done much better than the Security Council in their coordinated efforts at more effective enforcement of economic sanctions against Yugoslavia. They have, at a regional level, some of the prerequisites available which the UN lacks. It would make sense for them to work for perfecting this weapon. It should be noted that, while economic sanctions are controversial, arms embargoes are still unreservedly supported. The negligent handling of economic sanctions and the unimpeded pursuit of counterproductive working methods by sanctions committees will inevitably lead to a weakening of practices used in arms embargoes. The international community could in future show a lot more interest in internationally coordinated trade control regimes, perhaps to prevent undesirable trade in dangerous substances (e.g. enriched uranium or chemical weapons precursors). Sanctions management as an art could here perhaps serve as a useful model.

Cleaning up the mess in the area of central UN control of sanctions would, finally, be advisable for another reason. The UN Charter mentions this weapon explicitly and gives the Security Council an unlimited right to impose it practically any time it wants. States governed by law need guarantees that in future it will be possible to impose an equal obligation on all States to comply with sanctions. This can only be achieved if a legal framework for this weapon is created and if the Security Council can be forced to structure its sanctions activities in a more professional manner and, above all else, to put them on some discernible legal footing.

5 Vide the reports of the Commission on Global Governance(Carlsson-Commission) or of the Independent Working Group on the Future of the United Nations.
6 Vide Koskenniemi, op. cit.